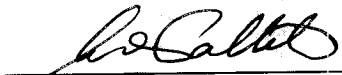


State of Vermont Agency of Human Services Department of Corrections	Home Confinement Furlough		Page 1 of 5
Chapter Classification and Case Planning	INTERIM PROCEDURE	New	
Attachments, Forms & Companion Documents: 1. Home Confinement Intermediate Sanctions Report			
Local Procedure(s) Required: No Applicability: All staff (including contractors & volunteers) Security Level: "B"- Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Andrew A. Pallito, Commissioner </div> <div style="text-align: center;"> <u>June 24, 2010</u> Date Signed </div> <div style="text-align: center;"> <u>July 1, 2010</u> Date Effective </div> </div>			

PURPOSE

The purpose of this Interim Procedure is to provide direction for Department of Corrections staff as it pertains to Home Confinement Furlough.

POLICY

It is the policy of the Vermont Department of Corrections to supervise persons in the Department's custody in the least restrictive environment consistent with public safety and offense severity.

AUTHORITY

28 V.S.A. § 808 B

REFERENCE

Department Policy #410 *Due Process*; Department Administrative Directives #407.03 *Unauthorized Absence From Furlough or Conditional Reentry*, and #430.12 *Furlough Residence Approval*; Interim Procedure *Conditional Re-entry, Attachment A, Terms of Release*.

DEFINITIONS

Electronic Monitoring: Any electronic device or technology that automates, replicates, or supports supervision tactics that would normally require direct staff presence or resources.

Escape: Any action by the offender which leads Corrections' staff to believe the offender intends to absent him or herself from State custody or supervision.

Home Confinement: A pre-approved furlough that restricts the offender to a pre-approved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions.

Intermediate Sanctions Report (ISR): A report written by the Probation & Parole Officer which details social history, key risk areas, and treatment planning of a person who has been arraigned and is anticipating a change of plea. The report outlines the conditions by which the person would be accepted into an alternative to incarceration program.

Intermediate Sanctions Program: A correctional program delivered to offenders who are in the legal status of Pre-approved Furlough or Supervised Community Sentence. In order to place an offender in an Intermediate Sanctions Program, the Court must refer the offender to the Department, in advance of sentencing, for screening to determine if they meet the eligibility requirements for the program requested.

Pre-Approved Furlough: 1) A legal status used for offenders who are determined eligible for Intermediate Sanctions Programs by the Department of Corrections and who are recommended for placement in these programs by the Court at sentencing. These furloughs are pre-approved by the Department after it conducts an eligibility screening prior to sentencing to determine if the offender meets the criteria established for the program to which the court refers them. For offenders who are pre-screened and determined eligible for the Corrections' program, and receive an appropriate sentence of incarceration, and further receive recommendation on the mittimus by the Court for placement on furlough, the Department will forgo the normal inmate classification rules and honor the Court's recommendation regarding placement in the community-based program by executing a furlough to the offender if they agree to the terms and conditions outlined in a furlough agreement.

PROCEDURAL GUIDELINES

Home Confinement Furlough is a pre-approved furlough status where the Court sentences the offender directly into the Intermediate Sanctions Program as an alternative to incarceration. Home Confinement Furlough restricts the offender to a pre-approved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions imposed by the Court and/or the Department of Corrections. Home Confinement Furlough provides the Department and the Court an alternative way to address this population in the least restrictive environment while taking into account public safety.

1. Referral Process

- a. Prior to sentencing, the Court refers the offender to the Department of Corrections for eligibility determination and screening for Home Confinement Furlough as a sentencing option.
- b. **Eligibility**: In determining eligibility for an offender's placement on Home Confinement, the Court will take into account all of the following:
 - i. The nature of the offense(s) with which the defendant is charged;
 - ii. The prior convictions;
 - iii. The history of violence;
 - iv. The medical and mental health needs;
 - v. The history of supervision;

- vi. The risk of flight; and
 - vii. Any risk or undue burden to other persons who reside at the proposed residence, or risk to third parties or to public safety that may result from such placement.
- c. Department staff will follow this review process:
- i. Complete the *Home Confinement Intermediate Sanctions Report (ISR) (Attachment I)*;
 - ii. Complete a residence check in accordance with administrative directive #430.12 *Furlough Residence Approval*, as well as to determine appropriateness for Home Confinement supervision and electronic monitoring suitability; and
- d. After determining the offender and residence is eligible for Home Confinement the Department presents the Court with a furlough agreement signed by the offender, which sets forth the terms and conditions of the proposed furlough status.
- e. The Court sentences the offender to a term of imprisonment and specifically recommends on the mittimus that the offender be placed on Home Confinement Furlough.
- f. The offender's residence must be within the area supervised by the field office.
- g. An offender on Home Confinement will be supervised as a Risk Management case for at least the duration of their furlough period unless the furlough is revoked and/or terminated.

2. Intake

District Managers will set up a process for the intake of offenders on Home Detention Status which will include, but not be limited to, the following:

- a. Updating offender information (e.g., address, charges, etc.);
- b. Taking a digital photo;
- c. Staff explanation of and offender signature on the Department of Corrections furlough agreement;
- d. Explanation of electronic monitoring devices that will assist in the supervision of the offender;
- e. Acknowledgement of and offender signature on the electronic monitoring contract which is provided by the electronic monitoring vendor;
- f. Review of the approved schedule imposed by the Court and Department;
- g. Explanation of the role of and supervision;
- h. Entering a case note outlining the index offense(s), the status, and approved absences;
- i. Offender acknowledgement of and signature on of conditions of supervision;
- j. Appropriate risk assessments;
- k. Conviction and Violation Summary (CVS);
- l. Any other mandated Departmental process such as Financial Agreement, ADA, DNA, Sex Offender Registry, Grievance, etc.;
- m. Entering data into the electronic database for the above, if applicable.

3. Supervision

- a. The District Manager or designee will assign a home confinement case to either a Probation Officer (PO) or a Community Corrections Officer (CCO) depending on the level of case management services required for the offender. In general cases requiring pre-approved

absences such as programming, educational services, and other risk-reduction needs should be supervised by a PO. Cases requiring primarily risk control supervision should be supervised by a CCO.

- b. The assigned PO/CCO will have one (1) direct offender contact weekly. Other contacts will be in response to notifications or discoveries of violations from electronic monitoring or when other information is discovered during the course of supervision.
- c. Home Confinement furloughees will be on a set schedule as approved by the Court. The furloughee is to remain at the pre-approved residence at all times except for scheduled and pre-approved absences. Changes to this schedule will be at the discretion of the supervising officer, and should be made sparingly and only out of necessity.

4. Electronic Monitoring

All Home Confinement furloughees will be monitored by GPS or other location monitoring devices. If alcohol is a risk factor for the offender, alcohol monitoring devices will also be used.

5. Response to Violating Behavior

If through the course of supervision the offender has violated a condition of their *Home Confinement Agreement*, staff may;

- i. Issue a graduated sanction in accordance with administrative directive #371.16 *Graduated Sanctions*; or
- ii. Return the offender to a correctional facility following the process as indicated in administrative directive #410.02 *Violations of FR/CR/PAF*.

6. Escape

If the offender is unable to be located, staff should place the offender on escape in accordance with administrative directive #407.03 *Unauthorized Absence From Furlough or Conditional Re-entry*.

TRAINING

- 1. The Field Services Executive shall ensure that all District Managers are trained in this Interim Procedure and that they provide training on the use of electronic monitoring for all necessary field staff.
- 2. District Managers shall ensure that all appropriate staff is trained in this Interim Procedure.
- 3. The Classification Unit shall ensure that all appropriate staff is trained in the booking processes associated with this procedure.

QUALITY ASSURANCE

- 1. District Managers will ensure that they have assigned staff resources for purpose of referral, supervision, and data tracking of offenders who are supervised on Home Confinement.
- 2. Central Office will:
 - a. Monitor the effectiveness of this new procedure, with an emphasis on developing needed supports or training to assist staff.
 - b. Performance measures shall be developed to ensure compliance with this procedure and legislative mandate (process and outcome). The objective of such measures is to assess the effectiveness of the Home Confinement Furlough in terms of reducing the need for future jail beds, saving money for the agency and taxpayers, and lowering crime rates.

HOME CONFINEMENT Intermediate Sanctions Report

Offender Name:

Date:

Defense Attorney:

State's Attorney:

Offense(s):

Docket: #

Author of Report:

Personal:

DOB: / /

Age:

POB:

Marital Status:

Number of Children:

Residence:

Proposed Residence:

Current Residence will allow for supervision with Electronic Monitoring ☐ Yes ☐ No

Current Residence Appropriate for Home Confinement: ☐ Yes ☐ No

Does the placement of the defendant pose a risk to other residents: ☐ Yes ☐ No

Does the placement in this residence pose a specific identifiable risk to corrections staff or others: ☐ Yes ☐ No

Comments:

Orientation and Agreement:

- ☐ Has Been Oriented to Intermediate Sanctions Program of Home Confinement
- ☐ Has Agreed to the Conditions of Home Confinement
- ☐ Willing to Actively Participate in the Program

Comments:

Recommendation:

- ☐ **Approved for Home Confinement**
- ☐ **NOT approved for Home Confinement**

Justification for not approving:

Probation Officer Signature and Date

Supervisor Signature and Date